



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, COUNCIL 93

Petitioner :

CASE NO. A-0556

and :

DECISION NO. 88-67

TOWN OF HUDSON
(ADMINISTRATIVE AND SUPPORT STAFF)

Respondent :

APPEARANCES

Representing AFSCME, Council 93:

James C. Anderson, Staff Representative AFSCME

Representing Town of Hudson:

Gary W. Wulf, Chief Negotiator

Also appearing:

- Alice Monchamp
- Sherri L. Hamilton
- Scott A. Smith
- Roy Willy
- Brian L. Mason
- Al Brackett
- Lydia Wayasbe

BACKGROUND

On July 18, 1988 Council 93, American Federation of State, County and Municipal Employees (AFSCME) petitioned PELRB for the certification of a bargaining unit consisting of all permanent and full-time and all permanent part-time administrative and support staff in the Town of Hudson (Town). Because of some confusion with respect to the titles assigned to various individuals in the proposed bargaining unit, an amended petition was submitted on August 23, 1988, reflecting the proper titles of the positions involved. This amended petition further stated that agreement basically had been reached with the Town on the composition of the unit with the exception of three positions.

At the opening of the hearing James Anderson, representing AFSCME, requested a recess for the purpose of further discussing individual positions with the Town. During the recess the parties mutually agreed to exclude the Law Clerk, a part-time intern, the Accounting Coordinator and the Data Processing Senior Programmer whose duties are supervisory in nature. The petition was amended accordingly. Three positions remained in contention; i.e. the Administrative Assistant to the Director of Public Works, secretary to the Police Chief and the Senior Dispatcher-Fire Communications.

Gary Wulf for the Town in an opening statement stated that each department head should have at least one confidential person within the department upon which he could rely.

Chief of Police Albert Brackett testified as to the functions of his secretary and the nature of the confidential materials handled by this position, and the necessity to assist in labor negotiations when deemed necessary. The job description was submitted in evidence.

Anderson for AFSCME testified that the secretary was excluded from another AFSCME unit, the Police unit, on a basis of confidentiality, but it was his opinion that this position should be included in the Administrative and Support Staff unit.

Director of Public Works, Roy Willy submitted the job description for the Administrative Assistant to the Director of Public Works position, and indicated that his Administrative Assistant was responsible for many documents dealing with labor negotiations involving his department. In evidence he submitted a compilation of wages paid by surrounding communities. Anderson for AFSCME indicated that the evidence was public information and did not necessarily have any involvement with confidential labor negotiations. Director Willy also testified relative to the reorganization of his department and the new duty assignments.

Chief Brian Mason, Acting Chief of the Fire Department, testified as to the organization of his department and the duties and responsibilities of the Senior Dispatcher-Fire Communication which indicated that the Senior Fire Dispatcher really was used as clerk, confidential clerk with respect to fire matters and department operation.

The parties cited the Pelham case in which there were certain exclusions and inclusions and alleged that these served as guidelines for decisions in the case at hand.

DECISION AND ORDER

After considering all of the testimony, both written and oral, the following bargaining unit of administrative and support staff of the Town of Hudson is hereby granted consisting of the following positions:

- a) Utility Billing Clerk
- b) Secretary
- c) Assistant Town Clerk/Tax Collector
- d) Clerk (1)
- e) Deputy Town Clerk Tax Collector
- f) Custodian
- g) Accounts Payable Clerk

- h) Billing and Receiving Clerk
- i) Data Entry Technician
- j) Administrative Aide
- k) Receptionist
- l) Civil Engineer - who is a professional who will have to vote whether or not he wants to be included in the bargaining unit and if so, will have to vote whether or not to accept the union.
- m) Technician Draftsman
- n) Environmental Project Inspector
- o) Building Inspector
- p) Code Enforcement Officer

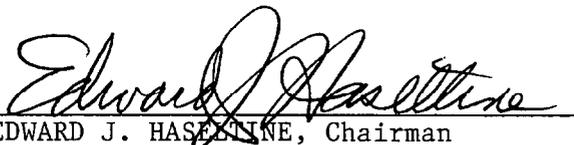
EXCLUDED from the bargaining unit;

- a) Administrative Assistant to the Director of Public Works
- b) Secretary to the Police Chief
- c) Senior Dispatcher Fire Communications
- d) Law Clerk
- e) Accounting Coordinator
- f) Data Processing Senior Programmer
- g) Maintenance Workers
- h) Executive Administrator
- i) Assistant to Executive Administrator
- j) Legal Officer
- k) Director of Public Works
- l) Town Clerk/Tax Collector
- m) Finance Director
- n) Assistant Assessor
- o) Town Planner
- p) Town Engineer
- q) Zoning Administrator
- r) Recreation Director
- s) Pond Director
- t) Secretary to Town Counsel
- u) Secretary to Legal Officer

The above excluded from the unit on the basis of either temporary, seasonal, confidential or supervisory responsibilities in accordance with RSA 273-A:2 IX (c).

An election will be held as expeditiously as possible under RSA 273-A:10 and PELRB Rules and Regulations, Pub 301.02.

Amended this 29th day of September, 1988.
Original signed 13th day of September, 1988.


EDWARD J. HASELTINE, Chairman

Chairman Edward J. Haseltine presiding. Members Richard W. Roulx, Daniel Toomey and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.

Majority vote for exclusion of all three positions. Member Daniel Toomey voted to exclude two positions but include the position of Senior Dispatch/Fire Communications in the unit.